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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,883	12/15/2003	Jeffry A. Pegg	7344.12/P	1021

7590 05/27/2005

Jack A. Kanz
502 So. Cottonwood Drive
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EXAMINER

HUNTER, ALVIN A

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/734,883	Applicant(s) PEGG, JEFFRY A.	
	Examiner Alvin A. Hunter	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C.102(a & e), as being anticipated by Pegg (USPN 6634956).

Regarding claims 1 and 6, Pegg discloses a putter comprising: (a) a putter head having a first mass and defining a bottom face, a top face and a striking face which defines a horizontal axis and which extends in a substantially vertical plane from said bottom face toward said top face and extends at least about four inches in a plane substantially parallel with said horizontal axis to inherently define a preferred striking area approximately centrally located on said striking face and extending a distance of approximately one inch in each direction horizontally from the horizontal mid-point of said striking face; and (b) a shaft having a second mass and extending from the top face of said putter at an angle of from about 10° to about 25° from vertical with respect to said horizontal axis supporting a grip on the end thereof remote from said putter head

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and aligned so that the vertical center of mass of the putter lies within the horizontal length of said preferred striking area (See Figures 1 and 2 and Column 2, lines 53 through 59).

Regarding claim 2, Pegg shows the putter head being geometrically symmetrical about its vertical axis (See Figure 2).

Regarding claim 3, Pegg shows the shaft extending from the top face at a point between the toe end of the putter head and the vertical axis of the putterhead (See Figure 2).

Regarding claims 4 and 7, Pegg shows the putter head including a marker on the top face thereof which identifies the horizontal midpoint of the striking face (See Figure 2).

Regarding claim 5, Pegg shows the mark extending in opposite directions from the geometric center of the putter head (See Figure 2).

Regarding claim 8, Pegg shows the marker equally visible on the opposite sides of the shaft when the marker is aligned for striking a ball and the striking face is aligned perpendicular to the desired direction of travel of the ball (See Figure 2).

Response to Arguments

Applicant's arguments filed 12/29/2004 have been fully considered but they are not persuasive. Applicant argues that the above reference (Pegg) does not show a center of mass along a horizontal length of the striking area. The examiner disagrees. Pegg notes that the club head is perimeter weighted. If the club head is perimeter weighted, the center of gravity would inherently be within the center of the club head (on

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a horizontal plane). Furthermore, the term midpoint is slightly broad. Horizontal midpoint can be any point between the toe and heel and does not imply that the midpoint is the exactly center of the club head. Merriam-Webster's dictionary defines "midpoint" as being "point at or near the center or middle." The fact that midpoint can be interpreted more than one way clearly is shown as being anticipated by Pegg. If applicant intends for the midpoint to be interpreted as the exact center, it should be claimed as such. In regards to claim 3, nothing requires the vertical axis to be within the top face and bottom face. Claim 1 recites a vertical plane, not a vertical axis. If applicant intends for "vertical axis" to be "vertical plane", it should be claimed as such. In regards to claims 4 and 7, again the midpoint can be any point near the center or middle. Being that midpoint is being interpreted as "near the center or middle", Pegg anticipates claims 4 and 7. In regards to claim 5, The mark extends from the front of the club head to the back of the club head which is clearly show visible in Figure 2 of Pegg. Regarding claim 8, see the above regarding "midpoint." Applicant is reminded that anticipation does not require the invention to be explicitly set forth (See MPEP 2100 in reference to Inherency). If applicant has evidence showing that the claim invention is not met by Pegg, evidence of such should be submitted.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich, can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

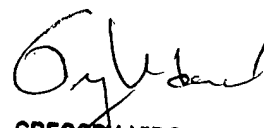
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AAH

Alvin A. Hunter, Jr.



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SUPERVISORY PATENT EXAMINER
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